

[2016]

**RAWLS HABERMAS**  
**DEBATE:**  
**A GHAZALIAN ASSESSMENT\***

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# RAWLS HABERMAS DEBATE: A GHAZALIAN ASSESSMENT\*

Ali Muhammad Rizvi

## I. Introduction

Habermas terms his debate with Rawls a family quarrel (Habermas, 1998a: 50).<sup>1</sup> What does that mean? Gopal Balkrishnan, in his first rate recent review of Martin Beck Matušík's, *Jürgen Habermas: a Philosophical-Political Profile*, quotes Habermas from his recent interview with *The Nation* as saying:

In Continental Europe, proponents of intervention took pains to shore up rather weak arguments from international law by pointing out that the action was intended to promote what they saw as the transition from a soft international law toward a fully implemented human rights regime, whereas both US and British advocates remained in their tradition of liberal nationalism. They did not appeal to 'principles' of a future cosmopolitan order but were satisfied to enforce their demand for international recognition of what they perceived to be the universalistic force of their own national 'values' (quoted in Balakrishnan, 2003: 128, Habermas, 2003: 1).

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\* I would like to thank John Campbell for his time to discuss different aspects of John Rawls' philosophy.

Commenting on Habermas' above observations Balakrishnan writes tersely:

The shell game of principles versus values defines the parameters of the only debate that the later Habermas considers worthwhile. Conversations with Rawls and Rorty—'the heirs of Jefferson'—boil down to justifying the writ of liberal democracy in different idioms. Acknowledgment that 'the idea of a just and peaceful cosmopolitan order lacks any historical and philosophical support does not deter Habermas from concluding that there is no alternative to striving for its realization, even if its military expressions, for all their good will, so far leave something to be desired. The suspicion that such wishful thinking might preclude historical and philosophical comprehension of the real world has been successfully kept at bay (ibid.).

The above comments make one thing very clear: the debate between Habermas and Rawls (and Rorty) is not whether liberal democracy is legitimate and justified. They all are agreed that a liberal democratic order is legitimate, justified and true. The debate between Habermas and Rawls is a debate concerning *how* to defend and justify<sup>2</sup> the liberal democratic order.<sup>3</sup> This is what makes it a family quarrel.

The debate is important from a Ghazalian perspective in the sense that it makes clear the justificatory strength of liberal democratic order in its present constellation. In what follows I shall first try to summarise the reasons for Johan Rawls' shift from his position in *A Theory of Justice* (TJ) to his later position in *Political Liberalism* (PL) and related writings. I will then summarise Habermas' criticism of Rawls' position especially his above-mentioned shift. I shall assess Habermas' critique of Rawls briefly from the perspective of a Ghazalian position. I would then develop a rather detailed critique of the Rawlsian position according to a schema of a Ghazalian methodology developed earlier (see Rizvi, 2002) in dealing with modern and postmodern discourses. In the conclusion I shall assess the overall lessons of this debate<sup>4</sup> from the perspective of a Ghazalian position.

## **II. Rawls' retreat from universalism**

It has been normally thought that Rawls moves from a universalistic position in TJ to a more contextualist position in PL. In what follows we shall pave the way for an assessment of such claims by trying to understand the nature of transition from TJ to PL. We shall try to

understand this transition with reference to both the content of the two works and also with reference to the mode of justification.

## II.1 Understanding the transition:

In TJ Rawls defended his position from within a moral doctrine and a moral tradition that can be broadly termed as Kantian and Contractarian. In TJ Rawls defended a theory of justice which he called justice as fairness. In PL Rawls' purpose is not to arrive at a theory of justice. He wants to defend it differently. The key to understanding Rawls' position in PL and the nature of his transition from TJ to PL is his differentiation between comprehensive doctrine<sup>5</sup> and political conception<sup>6</sup> and his notion of the political as freestanding.<sup>7</sup>

Rawls thinks that his position in TJ was contradictory. As he puts it:

. . . since the principles of justice as fairness in *Theory* require a constitutional democratic regime, and since the fact of reasonable pluralism is the long-term outcome of society's culture in the context of these free institutions, the argument in *Theory* relies on a premise the realisation of which its principles of justice rule out. This is the premise that in the well-ordered society of justice as fairness, citizens hold the same comprehensive doctrine, and this includes aspects of Kant's comprehensive liberalism, to which the principles of justice as fairness might belong. But given the fact of reasonable pluralism, this comprehensive view is not held by citizens generally, any more than a religious doctrine, or some form of utilitarianism" (into. : xlii, cf. Rawls, 1999: 179-180.).

What exactly is the contradiction here? Rawls in PL believes that reasonable pluralism<sup>8</sup> is the fact of constitutional democracy and modern life and cannot be transcended within it (Reply: 144).<sup>9</sup> This is due to the general human condition, the nature of free human reason and the nature of institutions in constitutional democracy (cf. Dreben, 2003: 321). Reason is meant to be free reason and institutions in constitutional democracy are meant to be free institutions. That is why, Rawls says that "a continuing shared understanding on one comprehensive religious, philosophical, or moral doctrine can be maintained only by the oppressive use of state power" (PL: 37).<sup>10</sup>

In a sense this understanding is also the part of Rawls' presentation in TJ where he clearly differentiates between the right and the good and gives priority to the right over the good (TJ: 31/27-28.).<sup>11</sup> The argument in TJ is that people come together to form a just and equitable society in which all people would be free to pursue their aims provided they do not infringe upon the similar freedom of others.<sup>12</sup> Moreover TJ

announces that one of the purposes of such a society is to accumulate what it calls primary goods (basically material resources needed to pursue any rational plan of life<sup>13</sup>) as they are needed by all members to pursue their exclusive life plans.<sup>14</sup>

However the argument in PL goes further than this. The difference is related to Rawls' differentiation between comprehensive doctrines, political conceptions and his notion of the political as freestanding. Rawls' intentions can be made clear by focusing on how he differentiates between political autonomy<sup>15</sup> and (comprehensive) moral autonomy (intro.: xliii). Rawls makes the distinction very clear in the following formulation:

For an example of the difference between the moral values of a comprehensive doctrine and the (moral) political values of a political conception, consider the value of autonomy. This value may take at least two forms. One is political autonomy, the legal independence and assured political integrity of citizens and their sharing with other citizens equally in the existence of political power. The other form is moral autonomy expressed in a certain mode of life and reflection that critically examines our deepest ends and ideals, as in Mill's ideal of individuality, or by following as best one can Kant's doctrine of autonomy. While autonomy as a moral value has had an importance place in the history of democratic thought, it fails to satisfy the criterion of reciprocity required of reasonable political conception of justice. *Many citizens of faith reject moral autonomy as part of their way of life* (intro. : xliv-xlv, emphasis added).

Thus the contradiction of TJ was to insist on a comprehensive doctrine of autonomy for even those who do not want to accept it (hence infringing their right to equal freedom!). The idea is that even those who reject autonomy as a moral precept (as their way of life) like Muslims and Christians can be reasonably persuaded to give consent to the concept of political autonomy.

The argument goes roughly like this:

- All reasonable<sup>16</sup> persons would admit to the fact that people cannot conceivably be organised under the umbrella of a single worldview except through the immense use of force and oppression.<sup>17</sup> Thus they would be prepared to accept that the only reasonable way out possible is to opt for a form of polity that can accommodate as many comprehensive worldviews as possible. This can be done only on the condition that everybody is treated equally and without reference to their

respective worldviews as far as political life is concerned. In turn every worldview would be granted a free space of its own in the sphere of the non-political.

- But more than that Rawls believes (although he never explicitly states it in these terms) that political values and conceptions (the conceptions Rawls terms as political liberal conceptions), which insist on the separation of the political and the non-political, are based on a certain minimum ‘core morality’.<sup>18</sup> This minimum morality is (or at least can in principle be) traceable to the heart of most reasonable comprehensive doctrines (Larmore, 1995: 63, cf. Larmore, 1996). Rawls says this in many ways. One line of argumentation is that different comprehensive doctrines can defend core Liberal political conceptions on their own different grounds. The ‘insight’ is that Liberal political conceptions are the ‘representatives’ of what is the ‘core morality’ of different comprehensive doctrines.<sup>19</sup> This is the reason why Rawls is insistent that his strategy is not based on “the wrong idea of consensus” (intro.: xlvii), which would consist in aiming at “striking a balance or average between” (ibid.) different incompatible but reasonable comprehensive doctrines (cf. Larmore, 1996: 146ff). This clearly differentiates Rawls’ position from the sort of *modus vivendi* approach Will Kymlicka attributes to Larmore (Kymlicka, 1991: 59ff).<sup>20</sup>

Thus in order to overcome the internal contradiction of TJ it is necessary to move to the position in PL. The move or transition consists of two levels:

- On the one hand the idea of justice in TJ and its constituent elements are transformed from a comprehensive doctrine to a political conception. This change results in the limitation of the range of the application of concepts in TJ but there meaning and content remains intact by and large (Intro.: xlv).<sup>21</sup> One of the main aims of PL “is to show that the idea of the well order society in *Theory* may be reformulated so as to take account of the fact of reasonable pluralism” (ibid.: xliii). A reasonable Christian might reject the idea of moral autonomy in his private and non-political public life without any political hindrances or argument against this behaviour.<sup>22</sup> However in political life he realises that the only proper

behaviour is to leave aside comprehensive doctrines and treat persons as politically autonomous agents and make decisions about the “basic structures of society” on that basis. Thus (for example) a Christian as a member of Liberal political entity would not object to the right of other persons to opt for abortion. Even when in his own private and non-political public life he may continue to believe it as wrong and the transgression of the will of God. A Christian accepts the idea of political autonomy because he realises the fact of reasonable pluralism and the impossibility of making everybody accepting the Christian notion of submitting to the Will of God. More importantly the acceptance of the other is based on the very core of Christian morality as it stems from the idea of mutual reciprocity and respect for each and every person as ends and not means to ends (Intro.: xlvi, Cf. Larmore, 1995: 66ff).<sup>23</sup>

- The second transformation occurs in the notion of justification. It is said that in this context TJ and PL are aiming at two different things. Dreben claims that TJ “deals with justice” while PL “deals with legitimacy, a topic that few contemporary philosophers in the liberal tradition are focused on” (Dreben, 2003: 317). While I agree with Dreben that PL is not developing a conception of justice it is not correct to say that TJ does not deal with the problem of justification. Rawls himself explicitly concedes that TJ deals with the problem of justification (see Reply: 144n21). What Rawls says is that the justification provided in TJ is contradictory. It is contradictory because “it depends . . . on everybody’s holding the same comprehensive doctrine and so is no longer viable as a political ideal once we recognise the fact of *reasonable pluralism, which characterises the public culture of the political society required by the two principles of justice*” (ibid.; emphasis provided). The contradiction consists in the fact that the theory of justice developed in TJ is based on a comprehensive doctrine but this same theory provides the principles of justice which rule out consensus on any such doctrine in a society based on them. Thus the reasons for Rawls’ shift are entirely internal in the sense that they are entailed by the contradiction within the theory of justice. Thus the shift is the requirement of the theory itself rather than the compulsion of any external reasons (becoming alert to the problem of religion for example).<sup>24</sup> Rawls’ aims at



overcoming this contradiction. In the next section we elaborate the framework of Rawls' new strategy in PL.

## II.2 The mode of Justification in PL:

Rawls starts his justification in PL assuming three facts. 1) The first fact is the fact of the existence of constitutional democracy. Rawls assumes that constitutional democracy exists and it exists for the right reasons, "we take it for granted that today only a fool would not want to live in (a democratic) society" (Dreben, 2003, 329). 2) Second he also takes the existence of what he calls reasonable pluralism and the overlapping consensus among different comprehensive doctrines to be a fact of life in democratic societies (Reply: 144n20). 3) The third fact is what Rawls calls the fact of oppression.<sup>25</sup>

Rawls' strategy of justification consists of three steps.

a) He first starts with what he calls the *pro tanto* justification. At this level (the) "political conception of justice is worked out first as a freestanding view that can be justified *pro tanto* without looking to, or trying to fit, or even knowing what are, the existing comprehensive doctrines" (Reply: 145 cf. PL: 39f). A version of the veil of ignorance is working here. The existence of different reasonable comprehensive worldviews (religious and non-religious) is bracketed. The purpose is to arrive at a political conception that can be compatible with as many reasonable comprehensive doctrines as possible. The purpose is made clear in further explication:

[The *pro tanto* justification] tries to put no obstacles in the path of all reasonable doctrines endorsing a political conception by eliminating from this conception any idea which goes beyond the political and which not all reasonable doctrine could reasonably be expected to endorse. (To do that violates the idea of mutuality.) When the political conception meets these conditions and is also complete, we hope the reasonable comprehensive doctrines affirmed by reasonable citizens in society can support it, and that in fact it will have the capacity to shape those doctrines toward itself (Reply: 145, cf. PL: 195-206).

Rawls' purpose is clear. It is to show that political conception can be freestanding in a manner that they can be compatible with the existence of diverse reasonable comprehensive doctrines. This will be the first step in showing the possibility of the existence of compatibility, among different reasonable comprehensive doctrines, under the umbrella of a

freestanding liberal political conception for the right reasons. This leads us to the second step of justification.

b) At this level of justification citizens try to embed the freestanding political conception of justice, which was conceived and articulated in total ignorance of any existing doctrines, in their relevant comprehensive doctrines. So each citizen or group of citizens try to justify the freestanding political conception of justice on their own terms and for their own reasons. The presupposition is that this is possible (Reply: 143). Thus what Rawls is talking about is not a *de facto* or contrived consensus or *modus vivendi* but consensus which is based on the right reasons. This is why the freestanding Liberal political conception of justice conceptualised at the first stage in total ignorance of doctrines can in the second stage be embedded in them. At this stage existing comprehensive doctrines are brought forth to provide their reasons for the validity of the liberal conception. A truth based and comprehensive moral justification for freestanding political conception of justice emanates from within different comprehensive doctrines.<sup>26</sup> Thus while in TJ the liberal political conception is embedded in and justified through only one comprehensive doctrine (i.e. Liberal Kantian doctrine) in PL they are provided grounds by numerous religious and non-religious comprehensive doctrines.

c) The third level of justification is that of “public justification by political society” (Reply: 143). At this level Rawls’ idea of public conception of reason becomes relevant (PL: 212-254, Rawls, 1999).

The difference between this level of justification and the second level of justification is that at the second level every citizen embeds this political conception into their own respective comprehensive doctrines.<sup>27</sup> However at the third level different groups of citizens belonging to different comprehensive doctrines take account of the fact that the others have their own comprehensive doctrines which might be incompatible with theirs. Here in the public arena justification for the Liberal political conception is provided from the angle of different doctrines. In this process different reasons emerge which enrich the justification which was first carried out at the level of a single citizen or at the level of the associations of citizens having the same comprehensive doctrines. But at this level the political conceptions are embedded in only those aspects of comprehensive doctrines that can be shared by different comprehensive doctrines and hence shared by different citizens in public. Hence this is not the level of full

justification. The reference to different comprehensive doctrines is always oblique:

A crucial point here is that while the public justification of the political conception for political society depends on reasonable comprehensive doctrines, this justification does so only in an indirect way. That is, the express contents of these doctrines have no normative role in public justification; citizens do not look into the content of others' doctrines, and so remain within the bounds of the political. Rather, they take into account and give some weight to only the fact of the existence- of reasonable overlapping consensus itself (Reply: 144).

The debate among doctrines as doctrines takes place at the level of the non-political. The debates on the non-political level (typically Rawls mentions churches, universities etc.) create an overlapping consensus (among other things) and basis for the use of public reason (shared reasons for supporting political conceptions). The typical example Rawls gives is that of abortion. Now in non-political debates one can consider all relevant reasons for and against abortion. Thus a Christian can give his reasons based on the Christian comprehensive doctrine and a Liberal can give his reasons based on a Liberal comprehensive doctrine and a debate can go on for ever. However on the political level only shared reasons are allowed, i.e. the reasons which all reasonable comprehensive doctrines can be expected to at least endorse as legitimate reasons. Thus at this level the reason of a Christian that abortion is against the Will of God is impermissible because first it is beyond the understanding of most of the participants in democratic public life (the political) and second because it would create controversies which are insurmountable. The public life (the political) would turn into the arena of academic debates that would render the functioning of societies as political entities impossible. On the other hand a Christian can argue his case on the basis of the sanctity of life (for example). For this would be considered a legitimate reason by most of the comprehensive doctrines existing in liberal democracies.<sup>28</sup> Of course a Christian in his non-political life is allowed to disbelieve in abortion. A Christian is also allowed to argue with others on the basis of reasons emanating from the Christian doctrine with the proviso that he accepts the similar right of all the other members of civil society. He would also have to concede the right of others to have abortion (in certain cases) and their right to reject Christian argument.

Two further points must be noted in connection with Rawls' strategy of justification. First Rawls does not conceive the relation between the public (political) and the non-public in any static manner. The capacity

of the political Liberal conception to shape different comprehensive doctrines “towards itself” is clearly mentioned (Reply: 145). In fact it is impossible to imagine how without a radical reshaping of comprehensive doctrines any so called overlapping consensus can be even conceived. Rawls never denies this.

The above point leads me to a more crucial point. It is true that Rawls treats the reasonable overlapping consensus as the ‘fact’ of constitutional democracies. However he cannot reasonably dodge the critical question of why a comprehensive doctrine (whose very meaning is defined by Rawls in terms of the range of its applicability) can cede its authority to a political conception in the first place.

Rawls rejects any *ad hoc* explanation for this. He has stressed it again and again that the intended transformation of comprehensive doctrines and their acceptance of constitutional democracy should be for the right reasons and not just for the sake of peace and stability or for any other *ad hoc* reasons (Rawls, 1999: 149ff). Thus he raises more fundamental question in this regard.

Rawls asks, “(h)ow is it possible - or is it – for those of faith, as well as the nonreligious (secular), to endorse a constitutional regime even when their comprehensive doctrines *may not prosper under it, and indeed may decline?*” (Rawls, 1999: 150-151, emphasis added). In fact the example he gives on the same page (151n46) suggests fundamental transformation, indeed a self-annihilation beyond any recognition might be what is required in some cases. Why should a doctrine accept its own self-demolition and give way to constitutional democracy? According to Rawls:

Here the answer lies in the religious or nonreligious doctrine’s understanding and accepting that, except by endorsing a reasonable constitutional democracy, there is no other way fairly to ensure the liberty of its adherents consistent with the equal liberties of other reasonable free and equal citizens. *In endorsing a constitutional democratic regime, a religious doctrine may say that such are the limits God set to our liberty; a nonreligious doctrine will express otherwise.* But in either case, these doctrines formulate in different ways how liberty of conscience and the principle of toleration can cohere with equal justice for all citizens in a reasonable democratic society. *Thus, the principle of toleration and liberty of conscience must have an essential place in any constitutional democratic conception.* They lay down the fundamental basis to be accepted by all citizens as fair and regulative of the rivalry between doctrines (Rawls, 1999: 151-152, emphasis provided).

This is an extremely important passage. If we take Rawls' claims about the non *ad hoc* character of the reasonable overlapping consensus seriously, we can only interpret this passage as saying that the principle of equal liberty, principle of conscience and principle of tolerance are the core moral constituent of all comprehensive religious and non religious doctrines [even if these principles are supported by different comprehensive doctrines on different grounds (ibid.: 152)]. Unless we interpret Rawls thus, there is no other way to understand his claim that constitutional democracy is the only way to preserve the equal liberty of all. Unless a comprehensive doctrine claims liberty as its core ideal why would this (preservation of equal liberty) be a problem for it<sup>29</sup>? Thus Rawls' account assumes equal liberty and tolerance etc. as core constituents of all doctrines worthy of consideration in constitutional regimes. This assumption is Rawls' starting point, a part of his facts of life in democratic regimes. This assumption is a part of the meaning of the overlapping consensus. It also makes clear what Rawls means by reasonable in the first place. Reasonableness turns out to be acceptance of this core morality of liberty and nothing else [despite Rawls definition of it in terms of his wide reflective equilibrium (Reply: 141)].<sup>30</sup>

However if my understanding of Rawls is not totally off the mark, it seems that though Rawls raised a courageous radical question of why a comprehensive doctrine would accept its decline and possible self-demolition in order to join constitutional democracy his answer is not courageous at all. In fact his answer is totally circular. He seems to me to be saying here that a comprehensive doctrine adopts a reasonable attitude because it is already reasonable or at least it contains reasonableness in its core, even though it might not be aware of it (Rawls, 1999: 152).

At this point it is appropriate to have a brief look at Habermas' critique of Rawls before proceeding to developing the outline of an initial Ghazalian critique of Rawls.

### **III. Habermas' Critique of Rawls**

Habermas' critique of Rawls can be summarised into three main categories: a) Habermas insists that Rawls does not sufficiently make clear the distinction between *de facto* agreement and agreement for the right reasons. Habermas in this respect singles out Rawls' use of the 'reasonable' and contrasts it with the 'true'. It is also in this context that Habermas criticises Rawls' conception of the political as 'freestanding'

(see especially Habermas, 1998b on this). This is an extraordinary line of criticism in the face of Rawls' insistence on differentiating between *modus vivendi* and justification for the right reasons so I shall take it in relative detail below. b) Habermas' second criticism relates to his emphasis on the equal importance of freedom of ancients and freedom of moderns. According to Habermas, Liberalism, in its Rawlsian form at least, gives priority to liberal rights over democratic rights. Habermas believes that there should be equal emphasis on the right of democratic self-determination. c) The third main objection concerns proceduralism and substantivism. Habermas believes that Rawls' theory is substantive. Presumably this is an argument against a theory. Kant's maxim seems to be working here, according to which morality cannot be substantive, as it would infringe the autonomy of persons. Morality can only consist in procedures that delineate the conditions under which the will of one person can be combined with the will of another person legitimately.<sup>31</sup> In what follows I shall critically assess Habermas' objections.

a) Habermas calls Rawls' strategy that of avoidance (Habermas, 1998b: 99) and his own strategy a 'straightforward Kantian strategy' (ibid.). Habermas is right to the extent that Rawls does not justify Liberal political conceptions with reference to Liberal comprehensive doctrines (at least not directly and exclusively). Rawls as we have seen tries to situate Liberal political conceptions in a wide variety of religious and philosophical comprehensive doctrines including the Liberal comprehensive doctrine. Obviously situating a conception and embedding it within a wider spectrum of possible reasons increases the probability of its truthfulness and not the other way round. Why does it bother Habermas then that Rawls's strategy is not straightforward and is that of avoidance?

Perhaps Habermas thinks that by treating different comprehensive doctrines at par Rawls obliterates the distinction between different levels at which different comprehensive doctrines might be true or false. My impression is confirmed by Habermas' insistence that "autonomy is not just one value alongside others" (Habermas, 1998b: 99) implying that Rawls does not treat autonomy as the prime value. This is strange given Rawls' insistence on the priority of liberty or first principle of justice throughout. Habermas is right to the extent that in PL Rawls only endorses the political conception of autonomy and does not argue for the moral conception of autonomy (at least directly). However it should be kept in mind that the political conception of liberalism is treated by Rawls as intrinsically moral and its conditions

each and every comprehensive doctrine from behind and establishes its reasonableness. In that sense political Liberalism indirectly maintains the priority of Liberal comprehensive doctrine at least by making all other comprehensive doctrines succumb to its core insight. So I do not think it is right to criticise Rawls for being neutral towards “practical reason” (Habermas, 1998b: 100). Rawls is not neutral towards the conception of “practical reason”, however he realises that today Kantian conceptions cannot be justified in straightforward terms.

The reason why Rawls finds it hard to defend Liberalism in a straightforward way lies in the distance that separates him from Kant and his times. Rawls implicitly realises that the belief in Enlightenment as a comprehensive doctrine has waned beyond any salvaging. When Rawls admits that reasonable pluralism is a fact of Liberal constitutional democracies he implicitly admits that constitutional democracy can only be defended in a roundabout way. It is impossible today to justify Liberalism on its own terms. It must take detours (long detours) to have a semblance of conviction (see Dombrowski, 2001: 3-11). I believe that this is what Rawls tries to do. However from a Ghazalian perspective Rawls’ strategy is very dangerous and effective. Rawls has the humbleness of a theorist and the cunningness of a strategist. He tries to turn the weakness of Liberalism into its strength. As we shall see on the theoretical level the strategy is contradictory and without any justification. However on the practical level it is very dangerous and can be very effective.

On the other hand Habermas still thinks that Enlightenment can be defended on its own terms. He claims that Enlightenment philosophers were unable to do this job adequately because they were caught in what Habermas calls the philosophy of consciousness and the philosophy of subject. In an amazing stroke of generalisation he punishes with this stick philosophers from Hegel to Foucault and beyond. Habermas believes that with his principle of intersubjectivity and linguistically mediated communication he can arrive at the universally valid principles of communication and rationality (Habermas, 1987).

According to Habermas’ straightforward Kantian strategy:

There seems to be no way around the explanation of the moral point of view in terms of a procedure that claims to be context independent. Such a procedure is by no means free of normative implications . . . for it is intertwined with a concept of autonomy that integrates “reason” and “free will;” *to that extent* it cannot be normatively neutral. Freedom in general consists in the capacity to choose in accordance with maxims; but autonomy is the self-

binding of the will by maxims we adopt on the basis of *insight*.  
Because it is mediated by reason, autonomy is not just one value  
alongside others” (Habermas, 1998b: 99, emphases in original).

Habermas rightly differentiates between freedom as a capacity and autonomy. Freedom is a capacity to choose. However autonomy is a particular choice and as any meaningful and controversial choice needs to be *defended* and cannot be *presumed*. The claim that since autonomy is mediated by reason it cannot be just one value among others is a claim without any proof. Again consider the following claim “A procedure that operationalises the moral point of view of impartial judgment is neutral with respect to arbitrary constellations of values but not with respect to practical reason itself” (ibid; 100). This is typical Habermas. We ask whether the notion of ‘practical reason’ already contains the notion of autonomy (presuppose it) or not? If ‘practical reason’ implies the notion of autonomy then defending autonomy through practical reason is tautological. It is no defence at all. If however ‘practical reason’ does not contain (imply) the notion of autonomy then ‘practical reason’ must be neutral towards it as well. But if autonomy defines practical reason in the first place as it seems it does here, then defending autonomy on the basis of practical reason is obviously circular. It is due to these reasons that Rawls leaves aside the notion of practical reason and turns back to a much diluted notion of public reason. To be sure Rawls still defends the notion of autonomy but in a roundabout way, which at least indicates a realisation on his part of the difficulty of defending Enlightenment and Kantian notions under postmodern conditions.<sup>32</sup>

Habermas does not seem to realise this. He thinks that he can defend Enlightenment in a straightforward Kantian way! This involves him in the sort of bogus argumentation I have mentioned above. As Cynthia Kaufman perceptively writes, “(t)he notion of the force of better argument must always rely on the interpretive framework out of which a person is operating and there is no way to bridge the gap separating different positions using nothing but argumentation” (Kaufman, 1999:357). Thus the cogency of Habermas’ argument depends on the ‘interpretive framework’, which is presupposed by his argument. This is how minimum neutral rationality works. Habermas however assumes that the interpretive framework of Enlightenment is universal. However as many commentators have noted, Habermas has not demonstrated that the Enlightenment interpretative framework is a universal framework. Habermas’ argument for the rationalisation of lifeworld is based on the key notion of ‘decentration’, a term which he borrows from Piaget and applies to understanding society. Roughly speaking



‘decentration’ is an ‘ability’ through which a child begins to differentiate between himself and his surroundings. It happens when children grow up. It is the symbol of expansion of and maturation of a child. Habermas applies this to society. But even if we give Habermas all his moves (which is a very charitable act anyway), it does not prove anything. The fact that a society is more capable of learning and differentiating does not prove that it is normatively superior. It is a simple category mistake on the part of Habermas. As Kaufman again perceptively writes, “It is not clear why we should interpret the fact that people in the so called modern world have more of a tendency to separate themselves off from the world than members of some other cultures as a sign of progress, rather than as a sign of how our worldview organizes experience”(Kaufman, 1999: 358, cf. Rizvi, 2003a).

In sum Habermas as against Rawls does not really appreciate the odds which one faces today in defending Enlightenment on its own terms. This is the reason he is more straightforward than Rawls and more blunt. Thus what he says on religion is not much different from Rawls but much more bombastic and less effective (Habermas, 2003a: 6ff, cf. Habermas, 2002, also see comments on Rushdie in Habermas, 1998: 224). Certainly Rawls is a more dangerous thinker than Habermas from an Islamic perspective.

b) Habermas’ second argument against Rawls is that Rawls gives priority to liberal rights over democratic rights. Habermas rightly sees priority of liberal rights as constraints on democratic rights. Habermas also rightly sees that political liberalism means constitutional Liberalism. And of course Dreben is dead right when he says that for Rawls democracy is always constitutional democracy (Dreben, 2003: 322). Habermas argues that liberal and democratic rights are co-original or co-primordial (*gleichursprünglich*) and presuppose each other (Habermas, 1996: 104, Larmore, 1995: 64). However Habermas’ point is more substantial than this. Habermas understands Liberalism to be based on “the intuition that the person and her individual way of life must be protected from the intrusion of state power” (Habermas, 1998b: 100). Habermas contrasts this with his own “Kantian republicanism” (Habermas, 1998b: 101). Habermas rejects the negative conception of liberty working in political liberalism. As he puts it:

Nobody can be free at the expense of anybody by way of socialization; the freedom of one individual cannot be tied to the freedom of everyone else in a purely negative way, through

reciprocal restrictions. Rather, correct restrictions are the result of a process of self legislation conducted jointly.

[I]t is left to the democratic process continually to define the precarious boundaries between the private and the public so as to secure equal freedoms for all citizens in the form of both private and public autonomy (Habermas, 1998b: 101).

Habermas, as against most Liberal theorists thinks that human rights are the conditions of the fulfilment of democracy and are rooted in it and are not prior to it (in justificatory terms) or cannot be seen primarily as freedoms from state or any other intervention. Thus Habermas' notion of autonomy is (primarily) public and is the basis of his romantic conception of the public sphere (Habermas, 1992) and his early infatuations with the Greek idea of democracy (Habermas, 1974). Habermas seems to be a proponent of radical democracy as against constitutional democracy at this point.

I have two major criticisms to make here.

First Habermas' account of democracy as far as it seems to be advocating radical democracy is ahistorical. If Habermas had taken the historicity of democracy seriously he would have realised that the relation between democracy and capitalism is primordial (see Rizvi, 2003). In the modern world we cannot talk about democracy except in terms of capitalism and hence constitutional democracy is the only democracy we know in immediate historical terms. If Habermas wants to claim the flag of radical democracy he has to show us how he relates it to the hegemony of capital or if he has any plans of overcoming the hegemony of capital. Since Habermas does not do this his talk of radical democracy is simply anachronistic.<sup>33</sup>

However my second criticism is more fundamental. I would argue that Habermas' claim of being an advocate of radical democracy is merely a sham. His view ultimately gels very well with constitutional democracy. Thus Larmore writes:

At first glance, Habermas' vision of radical democracy seems to lack the defining feature of the liberal point of view . . . . But the appearance is misleading. In reality, Habermas' description of his theory as involving the primacy of popular sovereignty fails to capture its actual structure. Democratic self-rule, at least as Habermas understands it, depends on an unacknowledged premise, a premise expressing an antecedent moral commitment and affirming the existence of a fundamental individual right. Other conceptions of popular sovereignty would have, no doubt, a different character. But Habermas' conception is so constituted as

to imply that political principles ought to be rationally acceptable to all those whom they are to bind. And that is the feature which brings his idea of democracy back within the liberal fold, as generally understood (Larmore, 1995: 66).

Thus Habermas' emphasis on the political will and public autonomy is blunted by the fact that autonomy is conditioned by the rational. So the emphasis really is not on the political process but on the rationality of the process and what modes are most suited for it. Similarly Habermas emphasises discourse but discourse is only the means, the real thing is rationality which some how only manifests itself in discourse but is not the same as discourse. Habermas says that his criterion of rationality is immanent in discourse but that is what Rawls says too. Rawls' political liberalism is self-sufficient and its justification strategy does not need any direct reference to any non-immanent principles.<sup>34</sup> Habermas' straightforward Kantianism is after all not that straightforward. His is also a strategy of avoidance but in a more concealed way than Rawls.

c) The third objection Habermas raises against Rawls is that his theory of justice is substantive and not procedural. The issue here is a Kantian one. A Kantian conception of morality aspires to be procedural because it is based on the notion of autonomy. Kant believes that if we submit to the will of God or if we treat morality on the model of external commands or even if we base morality on the law of nature we commit heteronomy because we are subsuming our will to something which is of not our own making. This is self surrender and self-determination. It is the key to understanding what it means to be moral in the Kantian conception. The only delimitation to this self determination comes into play when Kant considers the issue of society, the issue of how to bring together and link more than one automated will. Kant defines rights in general in terms of the conditions under which the will of one person can be combined with the will of another person without transgressing the criterion of autonomy (Kant, 1996: 387).<sup>35</sup> Thus we can say that for Kant rights in general are the necessary condition of realising the aim of autonomy in a society.<sup>36</sup>

Now normally it is considered that this conception of autonomy entails a procedural conception of morality. If morality consists in autonomy then the only limit on morality would be to protect the similar autonomy of other persons. This sort of morality cannot take into account anything that puts limit on autonomy beyond its own self-limits. It is in this context that Habermas criticises Rawls' conception of justice. He says that it is substantive and the Kantian point is that substantive conception of justice would put limits (other than limits of

its own) on autonomy. Thus Habermas insists, “ the correction of [moral] decisions depends solely on the fact that the procedure has actually been carried out”(quoted in Lafont, 2003: 172). If morality consists in self-determinations it cannot be specified in advance of the actual process of self-determination. Thus if a theory of justice is substantive it is tantamount to putting in advance limits on the will of moral agents. I think this is the essence of Habermas’ objection against the substantive nature of Rawls’ conception of justice (Habermas, 1998c: 406).

Rawls does not deny that his conception of justice is substantive (Rawls, 1995: 170). He instead goes into technical discussion about the nature of proceduralism and its different kinds which in a sense veils the nature of the debate (see *ibid.* and also TJ: 85ff). For this reason and for the reason of space I won’t go into this detail here. However the substantial point of Rawls’ response can be put forward quite clearly in the following way. Rawls admits that his conception of justice is substantive but it does not put limits on the will of moral agents because this conception of justice does not specify anything substantive other than what is needed for practicing self determination and conditions which are necessary to observe while combining one will with another will without committing the sin of heteronomy. Thus Rawls’ primary goods are mainly material resources needed by every autonomous agent to substantiate his autonomy. The first principle of justice is merely the statement of what autonomy is and what are the conditions under which the will of one person can be combined with the will of another person without infringing their autonomy. The difference principle is only concerned with the issue of distributing resources needed for the exercise of autonomy. The issue of Rawls later reformulations is bit different. Here Habermas’ objection is that Rawls leaves the arena of the non-political to the heteronomy of religious doctrines such as Christianity and Islam (as a possibility). But as we have seen what makes a comprehensive doctrine reasonable is that it accepts autonomy in essence as a part of overall consensus and adjusts its doctrine to it. Thus Habermas’ objection fails on all these accounts (cf. Lafont, 2003).

### **III. A Ghazalian critique of Rawls**

My purpose here is to develop an outline of a Ghazalian critique of Rawls’ position in PL. My purpose is not to give a detailed critique but to develop an overall framework for such a critique. I shall develop this critique roughly according to a schema developed earlier (Rizvi, 2002).

We want to develop a Ghazālian critique of Rawls because we are bearers of the approach towards an alien civilisation, which was first introduced by Imam Ghazālī (May Allah shower the choicest of His mercies on our master) Unlike the *Mutazilah* and the so-called Philosophers (*Falāsifah*) the Imam did not try to incorporate an alien discourse into the Islamic system of thought. On the contrary he developed the critique of Greek thought on the basis of Islamic principles and in that context he developed a technique to show the incoherence (*Tahāfa*) of alien civilisations in order to overcome them and not to submerge Islam within them.

Submerging Islam within Western civilisation and making it compatible with the Western systems of thought and practice has been the historical mission of Muslim apologists since the beginning of the colonial era. The apologists have been of varying shades, from believers in the supremacy of Western thought and culture, to those who thought that one stream of Western philosophy carried the *telos* of history as the continuation of Islam, to still others who wanted to preserve a place for Islam within the general Western system, under the conditions of historical decline and powerlessness.

The Ghazālian position is at loggerheads with these apologetic attitudes. It does not see the West as a morally, epistemologically or ontologically superior civilisation. There can be no 'scientific' proof of the superiority of Western thought. The Ghazalian approach does not see any of the streams of Western civilization as the continuation of the spirit of Islam.

The Ghazālian approach does not seek reconciliation with modernity. It does not see the hegemony of the West as inevitable in any sense. It tries to pave the way for the deconstruction of Western thought and practices by showing their internal incoherence (*tahāfa*)

We try to show the incoherence of the liberal thought by critiquing Rawls' work according to a well integrated strategy that takes above mentioned insights as its starting point. This strategy then focuses on theories from the within (on both substantive and formal level) and from without (again from both the normative and factual level). The overall aim is to show the incoherence of the theory under consideration (cf. Rizvi, 2003d).

### III.1 Internalist critique of Rawls' position:

One of the main purposes of Rawls in PL is to show the internal coherence of liberal constitutional democracy under the conditions of reasonable pluralism (intro.: xli). The whole argument depends on the validity of Rawls' distinction between comprehensive doctrines and political conceptions. The essential distinction between comprehensive doctrine, and political conceptions as mentioned earlier, lies in their range of applicability (PL: 13). A comprehensive doctrine is comprehensive precisely because its range of applicability does not allow any exception. Now for a comprehensive doctrine to become reasonable it is necessary that it cede the region of the political to something else. The question is whether in that process the comprehensive doctrine would still remain comprehensive? Thus it is important that Rawls raises the question, why should a comprehensive doctrine be ready to concede part of its authority to something else in the first place, even when it may result in the decline of such a doctrine.

Rawls may argue that in ceding its authority to the political, a comprehensive doctrine does it for its own internal reason. Political liberalism represents the core morality which is the outcome of the best teachings of different comprehensive doctrines. It represents a reasonable consensus that can be seen by different comprehensive doctrines in this view as fulfilling the best of their own teachings. However it is one thing to make this claim and another thing to testify to the validity of this claim.<sup>37</sup>

More important in shedding light on this issue is Rawls' question rather than his answer. Rawls' question is enlightening because it brings forth a quandary. It is hard to believe that a comprehensive doctrine would easily cede its authority even when it is faced with a possible decline. As we saw above Rawls answer is very vague and ambiguous. After giving this vague answer Rawls writes a long note demonstrating how a comprehensive doctrine would be transformed into a reasonable one and hence would become compatible with political liberalism for right reasons.

Rawls begins his note (Rawls, 1999: 151 n46) with the following words: "An example of how a religion may do this (turn itself into a reasonable doctrine even at the expense of its possible decline is the following" (comments in parenthesis mine). Citing the work of an author of Sudanese origin, Abdullahi Ahmed An-Na'im, Rawls writes that the Islamic interpretation of Sharia law can be divided into the

Mecca and Medina period. According to Rawls An-Na'im claims that superior Mecca teachings were rejected in favour of more practical Medina teachings which were more viable in the historical conditions prevailing in seventh century Arabia. Now the historical situation has changed and it is possible to return to the Mecca period (as if the Mecca period did not have its historical limits!). But what is the reason for returning to the Mecca period? According to Rawls "An-Na'im believes that Muslims should follow the earlier Mecca period in interpreting Shari'a. So interpreted, he says that Shari'a supports constitutional democracy". It seems that it is constitutional democracy which is not limited by any historical situationist shortcomings. It is constitutional democracy which gives the Mecca period its presumed superiority. It is here that Rawls quotes a key passage from An-Na'im which I shall reproduce follow:

The Qur'an does not mention constitutionalism, but human rational thinking and experience have shown that constitutionalism, is necessary for realizing the just and good society prescribed by the Qur'an. An Islamic justification and support for constitutionalism is important and relevant for Muslims. Non-Muslims may have their own secular or other justifications. As long as all agreed on the principles and specific rules of constitutionalism, including complete equality and non-discrimination on grounds of gender or religion, each may have his or her own reasons for coming to that agreement (An-Na'im: 1990: 100).

More important than An-Na'im's passage is Rawls' following comments on it. Rawls writes commenting on the passage, "*This is a perfect example of overlapping consensus*" (emphasis added). If this is a perfect example of overlapping consensus it tells us more than anything else about Rawls' political liberalism. I have no interest whatsoever in An-Na'im's caricature of Islam which seems to me to be another example of intellectual dishonesty and mental servitude. What I am interested in, however, is how this sheds light on what I have been trying to ask about Rawls' notion of comprehensive doctrines and its relation to political conceptions.

What the example makes clear is that political liberalism does not only limit comprehensive doctrines it totally reconfigures them. In the process of making Islam reasonable, Islam turns into something, which is unrecognisable in historical terms. Political liberalism (constitutional democracy) turns out to be "necessary for realising the just and good society prescribed by the Qur'an". Political liberalism is not content with only the ceding of ground to it but more than that it requires reconfiguration of comprehensive doctrines. It approaches them from

behind and limits them and this limitation involves drastic reconfiguration.<sup>38</sup> But if a political conception is so totalising then it turns out to be a comprehensive doctrine in its own right.

If this explanation is correct Rawls' comprehensive doctrines turn out not to be comprehensive at all. They need something beyond them to realise themselves. On the other hand his political liberalism turns out to be more than political. It is the condition of the possibility of comprehensive doctrines and defining their reasonableness. In this sense it is not very different from Habermas' conception of the conditions of the possibility of communication the doctrine Rawls says is comprehensive.<sup>39</sup> If my account above is correct even in its schematic form I think Rawls' attempt to prove the coherence of liberal democracy fails<sup>40</sup>. It of course does not prove that liberal democracy is an incoherent conception but that Rawls' justification of it in PL is essentially incoherent.

### **III.2 Factual and minimalist critique**

Apart from this internal incoherence Rawls' account also fails when one takes account of facts. Rawls' account in PL is to a significant extent based on his views on religious wars in Europe. He seems to be saying that liberal democratic order is the outcome of a realisation that became concretised out of the weariness of the people of Europe towards religious wars. According to this reading the people of Europe realised after religious wars that they cannot convert each other to a single view however much they may try and so they decided to live with each other peacefully and liberal democratic order is the rational expression of this realisation.

However this is too simplistic a genealogy of the emergence of constitutional democracy and I think cannot be sustained by historical data (see for example Moore, Jr., 1966). Rawls in accord with the "standard narratives of the rise of the liberal state presents the state as peacemaker, arising out of the "*Wars of Religion*" to keep peace among violent religious factions". However as William T Cavanaugh shows in his brilliant contribution "these *wars* were necessitated by the modern state's need to domesticate the Church and thereby achieve unrivalled sovereignty over its subjects."<sup>41</sup> (see Cavanaugh: 1995).

Moreover these religious wars Rawls is talking about are from a period in which Europe was already making its forays into modernity and religious wars were already a result of modernity rather than simply



being its cause. Rawls for example does not consider and take into account what Habermas has analysed in great detail i.e. the rationalisation of life world. The phenomenon of 'death of God' and waning of religious belief has been the central elements of Europe's long voyage to liberal democracy (see Rizvi, 2001, 2002a).

Rawls claims in PL that "In the society of the Middle Ages, more or less united in affirming the Catholic faith, the Inquisition was not an accident; its suppression of heresy was needed to preserve that shared religious belief" (PL: 37).

I am very sceptical about this claim for conceptual reasons. Medieval societies by their very structure were the antithesis of the controlled societies of industrial and post-industrial periods (see Gellner, 1983 and Rizvi, 2003). Rawls' general claim that "continuing shared understanding on one comprehensive religious, philosophical, or moral doctrine can be maintained only by the oppressive use of state power" (PL: 37) seems to me to be based on a series of factual errors. It is not possible for me to go into their details here but a few remarks are due.

Firstly Rawls' claim that a society holding comprehensive view would be necessarily oppressive is not seconded by historical data. We know of many societies that believed in comprehensive worldviews and still were benevolent societies in a most exemplary sense.<sup>42</sup>

Secondly, Rawls invokes the phantom of war in a most undifferentiating way in order to suite his argument. For example at the end of his new introduction to PL he writes, "The wars of this century with their extreme violence and increasing destructiveness, culminating in the manic evil of the Holocaust, raise in an acute way the question whether political relations must be governed by power and coercion alone" (Intro.: lxii). Rawls invokes the imaginary of wars and chaos throughout his argument to prove that insistence on one single comprehensive doctrine must lead to wars and coercion. But this account is extremely simplistic to the extent that it does not even bother to make an important distinction between the specificity of a doctrine and its comprehensivity. It is for this reason that Rawls does not ask the obvious question whether the nature of a particular doctrine or its comprehensivity as such makes it oppressive.

Thirdly and most important Rawls' account fails on the most obvious factual grounds. He presupposes that liberal democratic order eliminates wars and oppression. Rawls' account must ignore wars and

unprecedented persecution and mass murders and totalising oppression that is part and parcel of liberal democratic societies specially American society which form the background of Rawls' account. It is amazing that Rawls does not say a word on continuous American oppression at home and abroad. It is worth while to add that this oppression can not be explained away simply by pointing to the 'shortcomings' of America as inevitable distance between reality and ideals (for example see Dreben, 2003: 328 and Rorty: 1998). It is mass murders and genocide which has made American constitutional democracy possible. If Rawls' presumption about constitutional democracies is contrary to facts then it would be a fatal blow to his arguments.

Michael Mann has argued that there is a necessary relationship between liberal democracy and genocide (1999). Liberal democracies commit ideologically legitimated genocide (Vietnam, Palestine, Afghanistan, and Iraq) argues Mann. The greater the commitment to homogenise comprehensive doctrines through the acceptance of liberal norms as universal norm and the consequent (equal) trivialisation of comprehensive doctrines, the greater the temptation to murder those who refuse to accept these norms. This "other" has to be coerced or induced to assimilate i.e. to submit to the sovereignty of liberal order. Submission to liberalism is a necessary condition for survival in constitutional democratic order. Liberalism does not advocate peaceful coexistence. Races such as the Red Indian and states such as Islamic Afghanistan, which do not submit to the sovereignty of liberalism, have to be exterminated. The edifice of liberal America was built on the corpses of the Red Indians and the preservation of global liberal order requires the mass slaughter of the Afghans and Iraqis. Mann is conscious of liberalism's compulsive commitment to exterminate "outsiders" when he discusses the behaviour of settler communities in eighteenth century North America – "the greater the democracy among the perpetrators the greater the genocide (1999: 26). The (liberal) rule of "we the people" thus necessarily requires the elimination of the other. That is why "ethnic cleansing, murder, deporting, genocide was central to the liberal modernity of the New World "(Mann 1999: 27).<sup>43</sup> Several authors have also demonstrated the oppressive and totalising nature of American society (see Gray, 1999: 99-132). It is just not possible that Rawls can carry on with his argumentation without explicitly dealing with these facts.

Finally Rawls' argument is logically ambiguous. On the one hand he seems to argue that it is not possible to agree on one single

comprehensive doctrine because of the nature of free reason and due to the nature of free institutions. This is what he seems to be saying when he claims that reasonable pluralism is the fact of life in modern societies. On the other hand he seems to be saying that this is a general fact and it has no specific relation to modern societies. Therefore he assumes that even in the societies of the Middle Ages adherence to one single comprehensive view could not have been maintained except through oppression and use of force. Now these are two different arguments and cannot go very far together. Rawls' account tacitly reaps the benefit of this ambiguity.

If the first line of argument is correct then Rawls cannot put the emphasis he lays on the nature of life in the Middle Ages and on religious wars since obviously those were the periods in which free human institutions and free reason did not exist. To claim otherwise Rawls would have to refer to a comprehensive doctrine which he does not want to do. For example he would have to say that freedom is somehow in human nature or something like this, which obviously would require invoking some sort of comprehensive doctrine. If on the other hand Rawls is arguing along the second line then he would have to prove that it is somehow in the nature of comprehensive doctrines that make them oppressive. Obviously Rawls has not made any such argument in his published work. His argument has been based on the existence of what he calls reasonable pluralism which presupposes the existence of free reason and free institution along with comprehensive doctrines which are already conditioned by free reason and hence are reasonable. It seems to me that invocation of religious wars and inquisition in the Middle Ages has nothing to do with Rawls' argument. However the imagery is very important not only to divert attention from liberal oppression but also to install fear in populations and intellectuals about the prospects of the revival of religion.

### **III.3 External Critique**

Islamic movements have normally conceived liberal democracy as compatible with their own comprehensive framework. Even those who reject it instinctively are unable to explain what is wrong with democracy especially constitutional democracy. Rawls' account of political liberalism gives us an initial opportunity to correct this error.

Liberalism treats constitutional democracy as the most rational position reached by human social and political progress. It considers liberal

constitutional democracy as the very meaning of reasonableness. It is unreasonable to reject liberalism argues Rawls.

Liberalism pretends that it gives opportunity to every religion to be free in shaping the private and public life of its adherents without any interference. The only condition liberalism puts on religion is that it accepts the notion of equal freedom for others and cede the arena of the political to the secular. However as we have seen accepting liberalism involves more than this. It involves a radical reconfiguration of religious worldviews. In Rawls' liberal society Muslims are not allowed to follow the religion of their Imams, they are only allowed to follow the Islam of somebody like An-Na'im who is more concerned whether Islam and Muslims comply with American constitutional order than with the Will of Allah!

Liberals pretend that they are tolerant but in fact there is extreme intolerance working at the core of the liberal doctrine. Rawls' commentator and colleague Dreben puts it clearly and incisively:

What Rawls is saying is that there is in a constitutional liberal democracy a tradition of thought which it is our job to explore and see whether it can be made coherent and consistent. . . We are not arguing *for* such a society. We take for granted that today only a fool would not want to live in such a society . . . If one cannot see the benefits of living in a liberal constitutional democracy, if one does not see the virtue of that ideal, then I do not know how to convince him. To be perfectly blunt, sometimes I am asked, when I go around speaking for Rawls, What do you say to an Adolf Hitler? The answer is [nothing.] You shoot him. You do not try to reason with him. Reason has no bearing on this question. So I do not want to discuss it (Dreben, 2003: 328-329, emphasis in the original).

This is an honest interpretation of the core of what Rawls contends. Rawls starts with constitutional democracy as a fact of reason and he also takes reasonable pluralism as the fact of reason. He argues his case from there. Through this method he excludes any argument with what is beyond constitutional democracy. What is not liberal or what is not compatible with liberalism is by definition unreasonable. There is an extreme intolerance at the core of liberalism which is manifested in its search to reshape everything or at least limit everything according to its own image. This should give those from the Islamic movements who are dazzled by liberalism some lessons about the true nature of constitutional democracy.

Apart from that it is clear that even if liberalism provides Islam with a place ‘under the sun’ on the condition that Islam should accept liberal notions of political autonomy and equality it is unacceptable. It is unacceptable because Allah’s Will cannot be divided or limited. As the Glorious Quran makes it clear: “O ye who believe! Enter into Islam all inclusively; And follow not the foot steps of the Evil One; For he is to you an avowed enemy” (Al-Quran, 2: 208).<sup>44</sup> Muslims cannot cede part of Islam’s authority to liberalism without compromising this fundamental injunction of Allah. Islam is not about finding a place under the sun. It is the last message of the Lord of all which cannot be changed or compromised for any contingent reasons.

#### **IV. Conclusion**

We started out with Habermas’ claim that Rawls retreats from the universalism of the Kantian position in PL because he defends the universalistic force of American values not the universal values as such. There is no doubt that Rawls takes the existence of liberal order as his starting point<sup>45</sup> however he does not treat them simply as ‘our own values’. He tries to demonstrate their universal force by showing their universalisability. To do this he does not need to prove their internal coherence or to show that the constitutional democracies are stable for the right reasons. He only has to show their actual capacity to produce stability and their practical applicability. However Rawls takes great pains to show that constitutional democratic idea is coherent and constitutional democratic order is stable for the right reasons. However it is also true that Rawls finds it impossible to defend the liberal project in straightforward terms even in the terms he defended it before in TJ. The fact of reasonable pluralism has changed this. What Rawls seems to concede by this is that Enlightenment cannot justify itself through its own resources it has to rely on other premises however without conceding its original ground in any crucial sense.

Habermas thus faults Rawls with not coming up with a more robust defence of liberalism (Habermas, 1998a: 50)<sup>46</sup>. But the question is, whether a robust defence of liberalism is possible today? Our brief look at Habermas’ own intervention here and elsewhere clearly shows that Habermas straightforward Kantianism only works with the sort of blackmail with which Foucault had accused him two decades ago (Foucault, 1988: 27). A Ghazalian approach must lay bare such a blackmail and its subtle strategy. The time is ripe for this.

“And say: Truth hath come and falsehood hath vanished away. Lo! Falsehood is ever bound to vanish” (Quran, 15: 81)<sup>47</sup>.

## Notes

<sup>1</sup> This essay appeared initially in *The Journal of Philosophy* (1995) along with Rawls' reply. Rawls in turn concurs with this characterisation of their debate. See Rawls (1995): 180.

<sup>2</sup> Here I differentiate between what is justified in itself and what is justifiable in public.

<sup>3</sup> In this regard Rorty is different from both Habermas and Rawls in that he does not recognise any need for the justification of liberal democracy.

<sup>4</sup> It is not my intention to survey the debate as a whole. I want to review the debate only to the extent that it throws light on the issue of Rawls' retreat from universalism and on the general question of the justification of democratic liberal order. For an overview of the debate see de Oliveira (2000): 583-585.

<sup>5</sup> A doctrine is comprehensive if "it applies to a wide range of subjects, and in the limits of all subjects universally. It is comprehensive when it includes conceptions of what is of value in human life, and ideals of personal character, as well as ideals of friendship and of familial and associational relationships, and much else that is to inform our conduct, and in the limit to our life as a whole. A conception is fully comprehensive if it covers all recognised values and virtues within one rather precisely articulated system; whereas a conception is only partially comprehensive when it comprises a number of, but by no means all, nopolitical values and virtues and is rather loosely articulated. Many religious and philosophical doctrines aspire to be both general and comprehensive (PL: 13).

<sup>6</sup> [The] political conceptions have three features:

First, their principles apply to basic political and social institutions (the basic structure of society);

Second, they can be presented independently from comprehensive doctrines of any kind (although they may, of course, be supported by a reasonable overlapping consensus of such doctrines); and

Finally, they can be worked out from fundamental ideas seen as implicit in the public political culture of a constitutional regime, such as the conceptions of citizens as free and equal persons, and of society as a fair system of cooperation (PL: 143).

<sup>7</sup> "A political conception of justice is what I call freestanding when it is not presented as derived from, or as part of, any comprehensive doctrines" (Intro.: xlvi, cf. PL: 10, 12). Also see note 6 above.

<sup>8</sup> "[The] fact of reasonable pluralism must be distinguished from the fact of pluralism as such. It is the fact that free institutions tend to

generate not simply as a variety of doctrines and views . . . . Rather, it is the fact that among the views that develop are a diversity of reasonable comprehensive doctrines . . . . [These comprehensive doctrines] are in part the work of free practical reason within the framework of free institutions. Thus, although historical doctrines are not, of course, the work of free reason alone, the fact of reasonable pluralism is not an unfortunate condition of human life” [PL: 36-37].

<sup>9</sup> Given the fact of free reason.

<sup>10</sup> However note that Rawls’ emphasis is not on general human condition (as in Hobbes it is) but on the nature of free human reason. As he puts it: “In framing the political conception so that it can, at the second stage, gain the support of reasonable comprehensive doctrines, we are not so much adjusting that conception to brute forces of the world but to the inevitable outcome of free human reason” (PL: 37).

<sup>11</sup> The page number before slash refers to original (1971) edition of TJ while the number after slash refers to the revised (1999) edition.

<sup>12</sup> In this sense equal liberty is the *must* that circumscribes any choice from the outset in the similar manner in which reasonableness limits any comprehensive doctrine from the outset in PL and later writings.

<sup>13</sup> “These goods normally have a use whatever a person’s rational plan of life” (TJ: 62/54).

<sup>14</sup> In preface to the new (1999) edition of TJ (written in 1990) Rawls writes that “Primary goods are now characterised as what persons need in their status free equal citizens, and as normal fully cooperating members of society over a complete form of life” (xiii).

<sup>15</sup> It should be noted that for Rawls political conceptions are intrinsically moral and political does not imply that those conceptions are not moral; it only denies their comprehensive character.

<sup>16</sup> “Reasonable” is a technical term in later Rawls. Rawls writes in his important note in PL that reasonableness requires the fulfilment of two conditions: “. . . first, with the willingness to propose and honour fair terms of cooperation, and second, with the willingness to recognise the burdens of judgment and to accept their consequences” (PL: 49n, Cf. Reply: 134).

<sup>17</sup> Rawls calls this the fact of oppression which maintains that “ If we think of political society as a community united in affirming one and the same comprehensive doctrine, then the oppressive use of state power is necessary for political community. . . . [This ] . . . holds, I believe, for any reasonable comprehensive philosophical and moral doctrine, whether religious or nonreligious . . . Call this “the fact of oppression” (PL: 37, cf. Dreben, 2003: 318-319).

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<sup>18</sup> I borrow the term here from Larmore, 1995: 63. I thank John Campbell for helping me to appreciate the value of Larmore's work.

<sup>19</sup> Otherwise it is hard to conceive how so many diverse comprehensive doctrines can defend political conceptions for their own unique reasons.

<sup>20</sup> However I do not take Kymlicka's interpretation of Larmore's position to be accurate. Kymlicka, in my opinion, ignores the crucial difference between pluralism and reasonable pluralism. I thank John Campbell for introducing me to Kymlicka's work.

<sup>21</sup> This should be obvious considering the fact that Rawls defines comprehensiveness in terms of the range of the applicability of concepts.

<sup>22</sup> Although Rawls concedes that comprehensive doctrine can be engaged critically at the level of non-political. Even at the political level different doctrines can argue for their view based on their doctrines but they have to translate their argument in political terms.

<sup>23</sup> In his short but very interesting biographical piece on Burton Dreben Rawls writes (referring to Dreben) something that might be obliquely related to what I am saying here in the text. Rawls writes: "Though Burt considers Wittgenstein one of the greatest philosophers, he thinks that he also was not a great or even a good man. Burt believes that his moral and religious ideas, his concern with his guilt and personal salvation, were indeed rather childish, and that Wittgenstein didn't know and *didn't understand the religion of the prophets. What counted for them was the order of righteousness, justice, and humanity in the public world of the people and in their customs and practices of life. Sacrifices, prayers and hymns cannot substitute for these* [Rawls refers here to Isaiah 58]. Lincoln was not a philosopher, but Burt would say he was a great man . . . . Lincoln understood the religion of the prophets, as the Second Inaugural makes clear, and Burt has said that a grove of oaks would have been a better memorial to Lincoln than the classical temple he was to have (Rawls, 2001: 423, emphasis added). It is worth mentioning that Dreben had great influence on Rawls especially on his presentation particularly in the later writings. Three crucial works for understanding later Rawls were written and worked out in close collaboration and consultation with Dreben (see Rawls, 2001: 424-425).

<sup>24</sup> A misunderstanding in this regard might have been emerged from the notion that Rawls became interested in the phenomenon of Religion only late in his life. But this is not true. For Rawls' constant and continuous interest in the problem of Religion see Dombrowski, 2001: vii and *passim*).



<sup>25</sup> All these three facts are contained in first two facts Rawls mentions in PL (36-37). Rawls presents two further facts on PL(38) which do not concern us here.

<sup>26</sup> However Rawls realises that it might not start from this position and the initial starting point might be just a *de facto* consensus. Rawls also concedes that there can be groups in liberal democratic order that “would suppress altogether the basic rights and liberties affirmed in the political conception, or suppress them in part, say its liberty of conscience” (PL: 65). However he hopes that “they may not be strong enough to undermine the substantive justice of the regime” (ibid.). However there can be no ‘guarantee’ that they might not be able to do so (ibid.).

<sup>27</sup> We can understand this by saying that a version of a veil of ignorance is still working at the second level. Here people though take into account the fact of their own comprehensive doctrine and try to embed free standing political conception into their respective doctrines they do this in ignorance of the fact that there exist doctrines other than their own or even incompatible with their own doctrine.

<sup>28</sup> Even if not necessarily convincing or relevant in this case.

<sup>29</sup> Kymlicka rightly presses this point in his criticism of Rawls (1991: chapter 4).

<sup>30</sup> “Political liberalism never denies or questions (comprehensive doctrines) in any way, so long as they are politically reasonable” (Reply: 136).

<sup>31</sup> However I do not want to be seen here as naively reducing complex Kantian thought to a simplistic formula. See on the complexity of Kant’s position, Riley, 1986: 552-583. I thank Bill Hord for bringing to my attention this excellent article.

<sup>32</sup> For the explanation of postmodern conditions especially in relation to Habermas’ work see Samantha Ashenden and David Owen eds. (1991).

<sup>33</sup> Although his account of the colonisation of lifeworld seems to be a candidate for such a strategy it has gone in the background in his recent work any way. Not to mention that inadequacy of this account. Habermas does not realise that capital does not only colonise lifeworld it also destroys it in all its non capitalist forms.

<sup>34</sup> This is what Rawls means by *pro tanto* justification.

<sup>35</sup> “Right is therefore the sum of the conditions under which the choice of one can be united with the choice of another in accordance with a universal law of freedom” (Kant, 1996: 387).

<sup>36</sup> Habermas says more or less same thing in Habermas, 1996: 104. However it seems to me his understanding of autonomy is different

from Kant. He seems not to distinguish between autonomy as normativity and freedom as factuality.

<sup>37</sup> Moreover as we saw with reference to (PL: 65) Rawls concedes that there can still be comprehensive doctrines within a democratic order that do not accept liberal political conceptions in the first place.

<sup>38</sup> Habermas realises this when he writes, “Each religion is originally a “worldview” or, as Rawls puts it, a “comprehensive doctrine,” in the sense that it lays claim to the authority to structure a form of life in its *entirety*. A religion that has become just one among several confessions must abandon this claim to comprehensively shape life. Under the conditions of pluralism the life of the religious community must differentiate itself from the life of the larger political community. A prevailing religion loses its political impact on society at large if the political order no longer obeys the religious ethos” (Habermas, 2003a: 6).

<sup>39</sup> Although the difference may still be in how they justify their respective positions.

<sup>40</sup> It is interesting to note that due to instinctive realisation of this internal contradiction of his account Rawls introduces a term partial comprehensive doctrine (see PL: 13 and 175) but the term comprehensive doctrine is contradiction in itself and does not seem to me very promising at all.

<sup>41</sup> The lines in quotation marks are adapted from the summary of Cavanaugh’s article in the Philosopher Index.

<sup>42</sup> See any good history of Islamic Societies in Middle ages. For example Ibn Khaldun (1958).

<sup>43</sup> Similar argument is made at length by Michel Foucault (see Foucault, 1979 and Foucault, 1997, cf. Elden, 2002, Rizvi, 2003).

<sup>44</sup> This is my own translation from the original.

<sup>45</sup> Here Rawls’ distinction between concept and conception is important which in my view is ignored by Habermas (PL: 14 n15, TJ: 5 also see Dreben, 2003: 330).

<sup>46</sup> Kymlicka (1991: 58) makes the exactly same point.

<sup>47</sup> This is Muhammad Pickthall’s translation (Pickthall: 1949).

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## REFERENCES

Samantha Ashenden and David Owen eds (1999) **Foucault contra Habermas: recasting the dialogue between genealogy and critical theory** London: Sage.

Gopal Balakrishnan (2003) "Overcoming Emancipation" **New Left Review** Jan Feb 2003: 115-128. [Gopal Balakrishnan's review can be accessed online at the following address:  
<http://www.newleftreview.net/NLR25307.shtml>].

Robert Brandom (2000), **Rorty and his Critics**, Malden, Mass. : Blackwell Pub.

William T A Cavanaugh (1995) "Fire Strong Enough to Consume the House:" The Wars of Religion and the Rise of the State" **Modern Theology** vol.11 (4): 397-420.

Nythamar Fernandes de Oliveira (2000) "Critique of Public Reason Revisited: Kant As Arbiter between Rawls and Habermas" **Veritas** 45(4): 583-605.

Daniel A. Dombrowski (2001) **Rawls and religion: the case for political liberalism** Albany, N.Y. : State University of New York Press.

Burton Dreben (2003) "On Rawls and Political Liberalism" in Freeman ed. (2003).

Stuart Elden (2000) "The War of Races and the Constitution of the State: Foucault's «*Il faut défendre la société*» and the Politics of Calculation", *boundary 2*, Vol 29 No 1:125-51.

Michel Foucault (1997) **Il faut défendre la société Cours au Collège de France** 1976 Coll. Hautes études.

Michael Foucault (1988) **Politics, Philosophy, Culture: interviews and other writings 1977-1984** ed. Lawrence D. Kritzman New York Routledge.

Michael Foucault (1979) **The History of Sexuality vol. 1: An Introduction** London Penguin.

---

Samuel Freeman ed. (2003) **The Cambridge companion to Rawls**  
Cambridge, U.K. ; New York : Cambridge University Press.

Ernest Gellner (1983) **Nations and nationalism** Oxford : Basil  
Blackwell.

John Gray (1998) **False dawn : the delusions of global capitalism**  
London : Granta Books.

Jürgen Habermas (2003) "Letter to America" **The Nation**  
[<http://www.thenation.com/doc.mhtml?i=20021216&s=habermas>,  
accessed May 5, 2003].

Jürgen Habermas (2003a) "Intolerance and Discrimination"  
**International Journal of Constitutional Law**, Volume 1, Issue 1,  
January 2003: 2-12.

Jürgen Habermas (2002) "Das Bild von einer verstümmten Gesellschaft  
passt nicht: Eindrücke von einer Reise nach Iran" [interview].  
**Frankfurter Allgemeine Zeitung** June 2002, English translation  
entitled "The Unrest is growing" is available at  
[<http://iona.ghandchi.com/Habermas/iran.htm> accessed May 9, 2003].

Jürgen Habermas (1998) **The inclusion of the other : studies in  
political theory** ; edited by Ciaran Cronin and Pablo De Greif,  
Cambridge, Mass. : MIT Press.

Jürgen Habermas (1998a) "Reconciliation through the public use of  
Reason" in Habermas, 1998: 47-73.

Jürgen Habermas (1998b) "Reasonable versus "True", or the Morality  
of Worldviews" in Habermas, 1998: 75-101.

Jürgen Habermas (1998c) "Reply to Symposium Participants,  
Benjamin N. Cardozo School of Law" in **Habermas on law and  
democracy : critical exchanges** edited by Michel Rosenfeld and  
Andrew Arato. Berkeley : University of California Press, c1998: 381-  
452.

---

Jürgen Habermas (1996) **Between facts and norms : contributions to a discourse theory of law and democracy** translation by William Rehg. Cambridge, Mass: MIT Press.

Jürgen Habermas (1992) **Habermas and the public sphere**, edited by Craig Calhoun, Cambridge, Mass., : M.I.T. Press.

Jürgen Habermas (1987) **The philosophical discourse of modernity : twelve lectures** translated by Frederick Lawrence, Cambridge : Polity in association with Basil Blackwell.

Jürgen Habermas (1974) **Theory and Practice**, Translated by John Viertel, London : Heinemann.

AbdurRahman ibn Khaldun (1958) **The Muqaddimah : an introduction to history**, translated from the Arabic by Franz Rosenthal, New York, : Pantheon Books.

Immanuel Kant (1996) “Metaphysics of Morals” in **Practical philosophy / Immanuel Kant** translated and edited by Mary J. Gregor ; general introduction by Allen Wood. Cambridge ; New York : Cambridge University Press, 1996: 365-540.

Cynthia Kaufman (1999) “The Unforced Force of the More Familiar Argument: A Critique of Habermas' Theory of Communicative Rationality” **Philosophy Today** 43(4): 348-360.

Will Kymlicka (1991) **Liberalism, community and culture** Oxford: Clarendon.

Cristina Lafont (2003) “Procedural Justice, Implications of the Rawls-Habermas debate for discourse ethics” *Philosophy and Social Criticism*, vol 29 no 2: 167-185.

Charles Larmore (1996) **The morals of modernity** Cambridge [England] ; New York : Cambridge University Press.

Charles Larmore (1995) “The foundations of Modern Democracy: Reflections on Jürgen Habermas” *European Journal of Philosophy*, vol. 3 (1): 55-68.

---

Charles Larmore (1987) **Patterns of moral complexity** Cambridge; New York: Cambridge University Press.

M Mann (1999) "The Dark Side of Democracy" **New Left Review** 1:255:18-45.

Barrington Moore Jr (1977) **Social origins of dictatorship and democracy: lord and peasant in the making of the modern world** Harmondsworth : Penguin.

Abdullahi Ahmed An Naim (1990) **Toward an Islamic reformation : civil liberties, human rights, and international law**; foreword by John Voll. Syracuse, N.Y.: Syracuse University Press.

Muhammad M Pickthall (1949) **The Glorious Quran** Methuen, New York.

John Rawls (2001) "Afterward: A Reminiscence" in **Future Pasts: The Analytic Tradition in Twentieth-Century Philosophy**, Floyd, Juliet (ed), Oxford-Univ-Pr : New York, 2001: 417-430

John Rawls (1999) **The law of peoples: with "The idea of public reason revisited"** Cambridge, Mass. ; London : Harvard University Press.

Johan Rawls (1996) "Introduction to Paperback Edition" **Political Liberalism**, New York, Coloumbia Univeristy Press, 1996: xxxvii-lxii. **[Intro.]**

John Rawls (1995) "Reply to Habermas" **The Journal of Philosophy**, vol. xcii, no. 4: 132-180. **[Reply]**

John Rawls (1993) **Political liberalism** New York: Columbia University Press **[PL]**

John Rawls (1971) **A theory of justice**, Cambridge, Mass. : Belknap Press of Harvard University Press, 1971/ Rev. ed. Cambridge, Mass. ; London : Belknap, 1999. **[TJ]**

Partick Riley (1986) "The 'elements' of Kant's Practical Philosophy, The Groundwork After 200 years (1785-1985)" **Political Theory**, vol. 14 no. 4: 552-583.

---

Ali M Rizvi (2003) "Foucault and Capitalism: A reconstruction" (forthcoming).

Ali M Rizvi (2003a) "Reading Owen's Between Reason and History, Habermas and the idea of Progress" (forthcoming).

Ali M Rizvi (2003b) "The danger of Foucault: A Ghazalian perspective" (forthcoming).

Ali M Rizvi (2002) "Methodology Underlying Ghazali's Critique of Greek Philosophy" (draft circulated January 2002), Urdu translation is forthcoming.

Ali M Rizvi (2002a). From the Death of God to the Death of Man. Towards A New Genealogy of Western Civilisation **Pakistan Business Review** Vol. IV No. 2: 33-64.

Ali M Rizvi (2001) Nietzsche, Nihilism, Christianity and Modernity **Pakistan Business Review** Vol. 2 No. 4: 47-63.

Richard Rorty (1998) **Achieving our country : leftist thought in twentieth-century America** Cambridge, MA : Harvard University Press.